

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DARRIN LAPINE,

Plaintiff,

v.

Case Number 19-13165

Honorable David M. Lawson

Magistrate Judge Curtis Ivy, Jr.

CITY OF DETROIT, COUNTY OF WAYNE,  
WAYNE COUNTY PROSECUTOR'S OFFICE,  
DR. MYLES, DR. PATSALIS, RN DURAM,  
RN LONG, RN GRAHAM, JANE AND JOHN  
DOES, WELLPATH, and RAPHAEL WASHINGTON,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**GRANTING WAYNE COUNTY DEFENDANTS' MOTION TO DISMISS,**  
**AND DISMISSING DECEASED DEFENDANTS**

Presently before the Court is the report issued on September 13, 2022, by Magistrate Judge Curtis Ivy, Jr., pursuant to 28 U.S.C. § 636(b). The report recommends that the Court grant the Wayne County defendants' motion to dismiss the claims against them. It also recommends dismissing the claims against deceased defendants Dr. Patsalis and Dr. Myles. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 76) is **ADOPTED**.

It is further **ORDERED** that the Wayne County defendants' motion to dismiss (ECF No. 65) is **GRANTED**, and the plaintiff's claims against Wayne County, Wayne County Sheriff

Raphael Washington, and the Wayne County Prosecutor's Office are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the plaintiff's claims against defendants Dr. Patsalis and Dr. Myles are **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 25(a)(1).

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: October 4, 2022